

It will be observed that the important questions whether the order was a variation of the restrictions and whether the Court had power to make such an order were not stated.

It has been argued before us that as a partition has been made the maxim *Redendum singula singulis* applies; that if the consent of the owners of the lot leased is given, that fulfils the statute, and that the consent of the owners of other lots is not required. It was urged that much inconvenience would result were that interpretation not adopted.

We are of opinion that the orders made were going beyond the provisions of the 1882 Act, and were therefore illegal and void. The words of the statute were not followed, and if it is said the intention must have been to provide that only those interested in the subdivision should be asked for their consent, there seem to us to be two answers to such a contention :—

(1.) If the terms of the Act are not complied with, the power to lease cannot be duly exercised. It may be that the partition made under the 1882 Act was useless or inoperative. If so, that would only prevent leases being granted under the Act.

(2.) It must be remembered that this is Native land and communal land, and meant to be preserved as a dwelling-place for the remnant of a tribe.

It may well be that the Legislature meant that no single owner should be permitted to bring a European into a Maori settlement without the consent of all the owners or residents. This would be in accordance with Maori law or custom, and it might be calamitous to the life and good order of a Maori pa that Europeans not approved of by the Maoris should be allowed to settle on such communal land. The fact that the land was given to the chief as trustee, and that he had to execute leases together with all the owners, shows that the land was not treated even as ordinary Native land was treated.

Acting under what we believe to be the illegal orders of the Native Land Court, certain lots were leased to Europeans prior to the passing of "The Maori Land Settlement Act, 1905"—namely, the following leases :—

Block.	Area.	Lessee.	Approved.	Term.
	A. R. P.			
Orakei 1A No. 1 ..	11 0 0	Thomas Coates ..	19/6/07	21 years from 7/6/01.
" 1A (part) ..	10 0 0	" ..	15/3/00	21 " 17/10/99.
" 1A No. 2 ..	9 0 0	" ..	18/5/03	21 " 1/6/20.
" 3A (part) ..	15 0 28	" ..	15/3/00	21 " 14/7/99.
" 3A and 3A 2 ..	31 3 28	" ..	18/5/03	21 " 2/6/05.
" 1C ..	17 0 0	" ..	15/3/00	21 " 28/11/98.
" 3C ..	29 0 24	G. P. Hawke ..	15/3/00	21 " 1/2/99.
" 3C ..	29 0 24	E. Coates ..	9/7/04	27 " 1/2/20.
" 1E ..	20 0 0	T. Coates ..	19/6/01	21 " 17/6/98.
" 1F ..	23 1 0	" ..	19/6/01	21 " 1/10/98.
" 1F ..	23 1 0	" ..	18/5/03	21 " 12/8/19.
" 1G and 3G ..	46 0 24	G. P. Hawke ..	15/3/00	16 " 10/8/98.
" 2 (part) ..	30 1 18	T. Coates ..	19/5/01	21 " 23/6/99.
" 2B ..	6 0 0	" ..	19/6/01	21 " 14/6/01.
" 4C and part 4C 2 ..	39 2 17	J. Biddick ..	14/1/03	42 " 7/6/01.
" 4C 1 and part 4C 2 ..	32 2 23	J. E. and W. J. Biddick ..	2/7/04	21 " 25/4/04.
" 3F 1 ..	23 0 12	G. P. Hawke ..	13/7/00	15 " 1/6/98.
" 4B ..	46 0 24	J. Biddick ..	15/3/00	15 " 2/12/98.

Of these leases only one has been registered, as follows: No. 1F, 23 acres 1 rood, lease to Thomas Coates, confirmed 18/5/03, for twenty-one years commencing from the 12/8/1919; rental of £34 17s. 6d. per annum.

In 1905 there was enacted a Native Land Act, the Maori Land Settlement Act, and section 16 provided,—

"(1.) Except as hereinafter provided, all restrictions, conditions, or limitations against the alienation by lease of any lands owned by Maoris, whether such restrictions, conditions, or limitations are contained in any Act or any instrument of title, shall, immediately upon coming into operation of this Act, be deemed to be removed :